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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,322	01/09/2001	Chetan Shah	TAL/8003.001	5492

7590 08/28/2003

Chernoff, Vilhauer, McClung & Stenzel, LLP  
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EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/757,322	SHAH ET AL.
Examiner	Art Unit	
Jonathan Ouellette	3629	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 March 2003 and 02 July 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3, 6-10, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monster (www.monster.com, screen print, 1/24/1998) in view of Simpatix (www.simpaticx.com, Retrieved from Internet Archive Wayback Machine <www.archive.org>, Date Range: 11/16/1999-1/29/2000).
3. As per independent Claims 1 and 15, Monster discloses a method (employment recruiting system) of identifying a candidate for a position of employment, said method comprising the steps of: a) creating a position advertisement including a datum particularizing said position of employment; b) storing said position advertisement in a computer searchable database; c) associating a keyword with said position advertisement; and g) presenting an identity of a candidate associated with said candidate resume identified by said search to a computer user (www.monster.com).
4. Monster fails to expressly disclose d) associating a search periodicity with said position advertisement; e) upon expiration of a period substantially equal to said search

periodicity, searching at least one computer searchable candidate database for a candidate resume including said keyword.

5. However, Monster does teach performing continuous resume search for an employer through a system call ““Cruiter”, and automatically notifying the employer when a resume matching the predefined criteria (keywords) is located ([www.monster.com](http://www.monster.com)).
6. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to use the same system/technique for periodic searching and matching candidates, as the system presented by Monster appears to be an improvement on the claimed invention and neither the specification, drawings, nor claims explain the advantage of periodic searching for candidates. Furthermore, technically Monster’s system for searching, although categorized as 24/7 continuous searching, would have to be periodic due to the physical limitations of starting a search, finishing the search and restarting the search – although the period would be a matter of nanoseconds, there would still be a slight period/break before restarting the search.
7. While Monster does teach performing a keyword search for both jobs and candidates contained in the employment database, Monster fails to expressly disclose f) scoring a candidate resume identified by said search as a function of said keyword.
8. However, Simpatix discloses scoring an applicant pool using resume keywords ([www.simpaticx.com](http://www.simpaticx.com)).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included f) scoring a candidate resume identified by said search as a function of said keyword, as disclosed by Simpatix in the system disclosed by

Monster, for the advantage of offering an employer additional sortation method for resumes matching predetermined criteria (besides, date resume created, location, experience, etc.).

10. As per Claim 2, Monster and Simpatix disclose wherein the step of scoring a candidate resume identified by said search as a function of a keyword comprises the steps of: a) identifying a number of occurrences of said keyword in said candidate resume identified by said search; and b) comparing said number of occurrences to a threshold (possibly 1) number of occurrences (Simpatix: "Simpatix Launches Hiretrack, Web-based Recruiting Software with Enhanced Pre-screening Capabilities," Business Wire, February 24, 1999).
11. As per Claim 3, Monster and Simpatix disclose a) assigning a significance to a keyword; and b) influencing said scoring of said candidate resume as a function of said significance of said keyword (Simpatix: [www.simpatix.com](http://www.simpatix.com)).
12. As per Claim 6, Monster and Simpatix disclose further comprising the steps of: a) associating an identity of a computer searchable candidate database with said position advertisement; and b) upon expiration of a period substantially equal to said search periodicity, searching said candidate database associated with said position advertisement (Monster: [www.monster.com](http://www.monster.com)).
13. As per Claim 7, Monster and Simpatix disclose wherein the step of searching at least one computer searchable candidate database comprises the steps of: a) storing an identity of a searchable, computer network accessible, candidate database; b) upon expiration of a period substantially equaling said search periodicity; accessing said computer network accessible candidate database with a computer; c) analyzing a text of a candidate resume

(profile) stored in said computer network accessible candidate database; d) scoring an occurrence of said keyword in said text of said candidate resume; and e) as a function of said scoring, copying said candidate resume to another candidate database (Monster: [www.monster.com](http://www.monster.com)) (Simpatix: [www.simpaticx.com](http://www.simpaticx.com)).

14. As per Claim 8, Monster and Simpatix disclose wherein the step of creating a position advertisement comprises the steps of: a) accessing a position advertisement template, said template comprising of at least one candidate qualification entry; and b) including in a candidate qualification entry of said template no more than one candidate qualification (Monster: [www.monster.com](http://www.monster.com)).
15. As per Claim 9, Monster and Simpatix disclose identifying at least one keyword associated with a candidate qualification entry (Monster: [www.monster.com](http://www.monster.com)).
16. As per Claim 10, Monster and Simpatix disclose assigning significance to said keyword (Monster: [www.monster.com](http://www.monster.com)) (Simpatix: [www.simpaticx.com](http://www.simpaticx.com)).
17. As per Claim 16, Monster and Simpatix disclose a) a searchable third data structure accessible from a computer network, said third data structure storing at least one candidate resume; and b) a network interface enabling said data processing device to search said third data structure for a candidate resume including said keyword (Monster: [www.monster.com](http://www.monster.com)).
18. As per Claim 17, Monster and Simpatix disclose wherein said data processing device comprises: a) a parser instruction to decompose said candidate resume to text; and b) a matching instruction to identify a character string corresponding to said keyword in said text (Monster: [www.monster.com](http://www.monster.com)).

19. As per Claim 18, Monster and Simpatix disclose wherein said data processing device comprises a resume scoring instruction to score said candidate resume as a function of an occurrence of a character string corresponding to said keyword (Simpatix: [www.simpaticx.com](http://www.simpaticx.com)).
20. Claims 4-5, 11-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monster in view of Simpatix, and further in view of Fredrickson et al. (US 2002/0019768 A1).
21. As per independent Claim 11, (as explained above for independent Claims 1 and 15) Monster and Simpatix disclose a method of employment recruiting comprising the steps of: a) creating a position advertisement, including a datum particularizing a position of employment; b) associating a keyword with said position advertisement; c) storing said position advertisement and said keyword in a computer searchable database; d) associating a search periodicity parameter in a computer searchable database; e) in response to expiration of a period substantially equal to said search parameter, initiating a computer search of at least one computer searchable candidate database for a candidate resume including said keyword; f) scoring a candidate resume identified by said search as a function of said included keyword; g) including an identification of a candidate associated with said candidate resume in a result reportable to a computer user if said keyword score of said candidate resume at least equals a threshold keyword score; (Monster: [www.monster.com](http://www.monster.com)) (Simpatix: [www.simpaticx.com](http://www.simpaticx.com)).
22. While Simpatix does disclose scoring an applicant pool using answers to custom questions, both Monster and Simpatix fail to disclose h) in response to a determination

that said keyword score, at least equals said threshold keyword score, automatically  
contacting said candidate and requesting a response to at least one screening question  
associated with said position advertisement; i) scoring a response of said candidate to  
said screening question; and j) reporting said screening question response score in a  
search result presented to said computer user.

23. However, Fredrickson teaches incorporating a screening system with an employment system (Abstract, Para 0163-0164).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included h) in response to a determination that said keyword score, at least equals said threshold keyword score, automatically contacting said candidate and requesting a response to at least one screening question associated with said position advertisement; i) scoring a response of said candidate to said screening question; and j) reporting said screening question response score in a search result presented to said computer user, as disclosed by Fredrickson, in the system disclosed by Simpatix, in the system disclosed by Monster, for the advantage of offering an employer additional assurance that the matched resume/candidates are qualified for a potential position with the employer.

25. As per Claim 4, Monster, Simpatix, and Fredrickson disclose a) associating at least one candidate screening question with said position advertisement; b) upon identification of a candidate resume by said search, automatically requesting a response to said candidate screening question from a candidate resume identified by said search; and c) scoring a

response by said candidate to said candidate screening question (Fredrickson: Abstract, Para 0163-0164).

26. As per Claim 5, Monster, Simpatix, and Fredrickson disclose a) assigning a significance to said response; and b) influencing said scoring of said response as a function of said significance of said response (Fredrickson: Abstract, Para 0163-0164).
27. As per Claim 12, Monster, Simpatix, and Fredrickson do not expressly disclose a) requesting said candidate approve contact with an employment reference; b) upon receipt of said approval, automatically requesting a response of said employment reference to at least one reference query; and c) reporting said response to said reference query in a search result presented to said computer user.
28. However, the examiner gives official notice that employment reference checks were well known at the time the invention was made.
29. Therefore it would have been obvious to include a) requesting said candidate approve contact with an employment reference; b) upon receipt of said approval, automatically requesting a response of said employment reference to at least one reference query; and c) reporting said response to said reference query in a search result presented to said computer user, in the system disclosed by Monster, for the advantage of verifying the background and experience of potential employment candidates.
30. As per Claim 13, Monster, Simpatix, and Fredrickson disclose a) assigning a significance to said keyword; and b) influencing said keyword score of said candidate resume as a function of significance of said keyword (Simpatix: [www.simpatix.com](http://www.simpatix.com)).

31. As per Claim 14, Monster, Simpatix, and Fredrickson disclose automatically repeating said search in response to expiration of a period substantially equal to said search periodicity parameter associated with said position advertisement (Monster: [www.monster.com](http://www.monster.com)).
32. As per Claim 19, Monster, Simpatix, and Fredrickson disclose wherein said data processing device comprises: a) a position advertisement template user interface including at least one candidate qualification entry to be associated with said employment position; and b) a screening question template user interface comprising at least one candidate screening query to be associated with said employment position (Monster: [www.monster.com](http://www.monster.com)) (Fredrickson: Abstract, Para 0163-0164).
33. As per Claim 20, Monster, Simpatix, and Fredrickson disclose said resume scoring instruction further comprises a screening query scoring instruction to score a response to a candidate screening query as a function of a significance weight associated with said candidate screening query (Fredrickson: Abstract, Para 0163-0164).

***Response to Arguments***

34. Applicant's arguments filed 3/4/2003 and 7/2/2003, with respect to Claims 1-20, have been considered but are moot in view of the new ground(s) of rejection.
35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

37. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

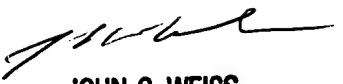
38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

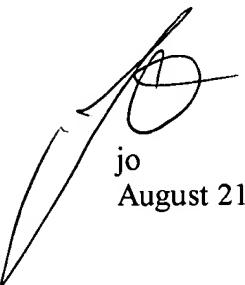
39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

40. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

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JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

  
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August 21, 2003